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WORLD CONFERENCE ON HUMAN RIGHTS

Preparatory Committee
First session
Geneva, 9-13 September 1991
Items 5, 6 and 7 of the provisional agenda

AGENDA, RULES OF PROCEDURE, DATES, DURATION, VENUE OF AND PARTICIPATION AT THE WORLD CONFERENCE

PREPARATIONS FOR THE WORLD CONFERENCE ON HUMAN RIGHTS
PREPARATIONS AT THE INTERNATIONAL LEVEL, THE REGIONAL LEVEL AND THE NATIONAL LEVEL

STUDIES AND OTHER DOCUMENTATION FOR THE WORLD CONFERENCE

Recommendations on the World Conference on Human Rights and its preparation submitted pursuant to paragraph 10 of General Assembly resolution 45/155

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United Nations Children's Fund

1. UNICEF's thoughts on the planned World Conference on Human Rights can probably best be summarized in the following words of its preliminary comment of May 1990:

> "UNICEF's involvement in the question of human rights principally comes through the operational support to be provided for the implementation of the Convention on the Rights of the Child. Should the General Assembly choose to launch such a conference, it would be our hope that this Convention would be an important focus, and that countries would come to the Conference with specific country level action plans for the implementation of this Convention."

2. The unprecedented support for the Convention among Governments, intergovernmental organizations, NGOs and the broad public, as well as the speed of signatures and ratifications, underline the new dimension this Convention has brought to the field of human rights, particularly in terms of inspiring social mobilization.

3. In addition to contributing to the refinement of the dimensions of the Universal Declaration of Human Rights, we see the Conference as a unique opportunity for situating child rights and the Convention on the Rights of the Child in the wider context of human rights.

4. Child rights should be a separate agenda item for the Conference for the following reasons:

(a) Children represent a huge segment of the total population. In the developing countries, children between the ages of 0 and 18 represent 40 to 45 per cent of the population;

(b) Development of the child is the key to economic and social development of the society as a whole;

(c) It would give the international community an opportunity to recommit itself to children's rights;

(d) The extraordinary process of drafting the Convention and its entry into force along with the high number of ratifications could serve as examples for human rights work in many respects (e.g. involvement, human rights education).

5. UNICEF also feels strongly that NGOs should be actively involved in the preparations for the Conference because of their key role in a comprehensive human rights approach. In the preparations of the child rights elements of the agenda, women's rights advocates should be involved and emphasis placed on the joint responsibility of men and women to ensure the primacy of the interests of the child.

International Labour Office

1. The ILO system of adopting and supervising the implementation of standards differs in some substantial respects from that of the United Nations and other specialized agencies. It has shown itself to be effective and to yield results in many different substantive fields over more than 70 years. The World Conference may therefore wish to have before it a concise explanation of these procedures.

General considerations

2. Relations to human rights. The term "human rights" is a broad expression, the limits of which are constantly growing. The ILO itself does not use the term in any of its founding documents, yet is considered by many to be a highly effective organization for the protection of human rights. While the following paper is principally concerned with mechanisms, a brief explanation of the ILO's human rights concerns may be in order.

3. The only classification by which the ILO lists specific subjects as being "human rights" instruments is one adopted by its Governing Body for the purpose of examining the continued relevance of all the ILO's Conventions and Recommendations adopted over more than 70 years. This classification lists 12 Conventions and 7 Recommendations under the heading of human rights, covering only three subjects: freedom of association, forced labour and equality of opportunity and treatment. Yet these are not, of course, the only ILO concerns in the field of human rights. Such subjects as child labour, special measures of protection for women and migrant workers and the protection of indigenous and tribal peoples are clearly human rights concerns, though in the current ILO classification they do not appear under this heading.

4. A better guide is a list furnished each year to the United Nations committee responsible for supervising the implementation of the International Covenant on Economic, Social and Cultural Rights, indicating the ILO Conventions which are relevant to the achievement of each of the rights guaranteed under the relevant article of the Covenant - a list containing more than 75 ILO Conventions. It will be quite clear from this that, in the end, all ILO Conventions and Recommendations - even those on highly technical details of labour administration and protection of safety and health - contribute to the realization of the human rights recognized by the international community through the United Nations, the ILO, and other international mechanisms. 1/

5. In addition to the complete list of ILO instruments appended hereto, an additional listing is attached at appendix II of some of the major human rights concerns of the ILO, and of the other international human rights procedures and instruments to which they are relevant. This list will illustrate that the ILO's human rights concerns are not independent of those of the United Nations or its specialized agencies and subsidiary bodies. By the same token, those instruments cannot be fully applied without the ILO's work in amplifying and implementing the policies contained in United Nations and other instruments. Omitted from this listing, for reasons of space and complexity, are regional instruments such as the African Charter of Human and Peoples' Rights or the European Social Charter, all of which amplify these rights further.

6. The ILO's tripartite structure. The ILO is the only intergovernmental organization in which there are institutionalized non-governmental partners. Each member State of the ILO is required to provide four delegates to the International Labour Conference: two Government delegates, and one each from the most representative organizations of employers and workers in the country. 2/ These delegates have full voting rights, so that in the plenary of the Conference half the votes are held by Governments, 25 per cent by employers' representatives and 25 per cent by workers' representatives. A similar distribution obtains in the Governing Body of the ILO, which has 28 Government members, 14 employers' members and 14 workers' members. The only regular ILO bodies which are not tripartite are the Finance Committee of Government members at the Conference and the Committee of Experts on the Application of Conventions and Recommendations, of which more below. There will be further references to the ILO's tripartite structure and related factors further on in this note. It is essential to the workings and success of the ILO's procedures.

Adoption of standards 3/

7. The ILO is engaged in a continuous process of standard-setting, and adopts one or more instruments at nearly every Session of the International Labour Conference. Its procedures are therefore well established and in regular use.

8. Adoption of standards is usually done by the "double discussion" method, meaning that a prospective Convention or Recommendation is normally discussed in two successive Sessions of the International Labour Conference before being adopted. (Single discussion adoption is also possible, and has been used in the past for maritime instruments which have been previously discussed by a preparatory technical conference and for other subjects which do not require two discussions.) In no case has a third discussion been held, although it is theoreticaly possible.

9. Subjects are placed on the agenda by the Governing Body, on the basis of a list submitted to it by the International Labour Office. The Office puts these proposals before the Governing Body on the basis of a variety of sources, including technical analysis of its own, suggestions by regional or technical meetings of the ILO and previous discussions in the Governing Body itself. The Governing Body regularly debates the number of technical items to be placed on the Conference agenda with a view to the adoption of standards. In recent years it has normally alternated between one and two new items each year, meaning that each year there will usually be either one or two first discussions and one or two second discussions carried on simultaneously.

10. Once an item has been selected, at the November session of the Governing Body (the Governing Body meets three times each year) the Office prepares a "law and practice report", which includes a detailed questionnaire on the provisions of the possible new instrument. This is circulated to all members in May following the placing of an item on the agenda, and replies are due the following October. A summary of these replies is circulated in March of the next year, together with the Office's proposals for the conclusions to be adopted by the Conference. These two reports are then discussed in a tripartite committee established by the Conference. The conclusions adopted

in this first dicussion are then circulated together with a draft Convention and/or Recommendation, prepared by the Office, in August of the same year, with further comments due in November of that year. The final summary of comments received, together with the Office's analysis and a revised draft instrument, are circulated the following March, and the second and final discussion held in the Conference that June.

11. Governments naturally are called upon to furnish replies and comments on proposed instruments. Comments by employers' and workers' organizations, to which Governments are supposed to furnish copies of the ILO reports, are given equal weight in the consultation procedure with those of Governments, and they participate on a fully equal basis with Governments in the discussions in the Conference itself. Non-Governmental Organizations may, under certain circumstances, also take an active part in the consultation and discussion process, as they did in the procedures leading to the adoption of the Indigenous and Tribal Peoples Convention, 1989 (No. 169); but in general NGOs other than those of employers and workers have less access at the ILO than they do at the United Nations.

12. In order to be adopted by the Conference, a draft Convention or Recommendation must receive a two-thirds majority in the Conference.

13. Submission to the competent authorities. 4/ The only obligation binding Members after a new instrument is adopted is that it be submitted to the competent authorities of the country within 12 months (18 months in exceptional cases) for the adoption of legislation or other measures, which may include ratification. Ratification is, of course, a fully voluntary decision. The competent authorities are those which have the power to legislate on the subject dealt with in the instrument, and are normally the national legislative assembly.

14. The value of recommendations. Recommendations cannot be ratified or create binding obligations. They are what their name implies, and serve as guidelines for national action. They may also serve as a basis for future standard-setting by the ILO, as has happened many times in the past. Though they create no obligations, they are often the basis for national action, and may also be the subject of General Surveys (see below, para. 31).

15. Flexibility and reservations. The ILO has adopted the basic principle that its Conventions may not be ratified with reservations, as most other international treaties can. The ILO supervisory bodies have also stated repeatedly that ILO Conventions should not be interpreted in a flexible manner except as specifically authorized by the instruments themselves, so that obligations remain constant for all ratifying States. It has therefore been the practice of the ILO to incorporate whatever flexibility may be required directly into Conventions. This may be done in any of a number of ways. Various Conventions allow the exclusion of certain sectors of economic activity or types of worker from their coverage. It may also be allowed to make a progressive ratification, i.e. ratifying certain parts of a Convention while allowing the assumption of obligations under different parts of the instrument by a later declaration. Such devices as allowing developing countries to specify a lower minimum age for admission to employment or work

than is allowed in developed countries are also used. The principle remains firm, however, that only the flexibility provided for specifically at the time of adoption is acceptable.

16. Ratification, entry into force and denunciation. With some exceptions, ILO Conventions carry standard provisions on these subjects. Ratification is a sovereign act and is entirely voluntary. In most cases, Conventions require two ratifications for their entry into force, which takes place one year after the second ratification is registered. Thereafter, the Convention comes into force for the country concerned one year after its own ratification. (There are exceptions for some of the early Conventions and for a very few more recent ones.) Members are equally free to denounce Conventions, under circumstances laid down in each Convention. Typically, this allows denunciation during a one-year period commencing 10 years after the Convention first came into force, and recurring every 10 years thereafter.

17. As at the end of June 1991, there had been 5,540 ratifications of the 172 ILO Conventions, and 59 denunciations.

18. Revision and automatic denunciation. It became evident early in the ILO's history that it would from time to time become necessary to revise Conventions, as they became out of date or as solutions proposed in them proved unworkable. A very large number of the 172 Conventions so far adopted have been revisions of earlier instruments, and the Conference has paid particular attention in recent years to the revision of older instruments. Though the practice has evolved over the years, the usual procedure is that the Governing Body will place an instrument, or series of instruments, on the Conference agenda for revision. (Most revisions are of a single earlier instrument, but they may revise several earlier instruments. For instance, the Minimum Age Convention, 1973 (No. 138) revised 10 earlier instruments on minimum age for admission to employment or work.) Once the new Convention enters into force, it closes the revised instruments to further ratification. The earlier instrument remains in force, however, for those States that have ratified it but not the new instrument. When a State which has ratified the earlier Convention ratifies the revising Convention, an "automatic denunciation" of the first Convention takes place - in effect, a replacement ratification.

The ILO supervisory mechanism

19. Single supervisory mechanism. The ILO does not adopt a special supervisory mechanism for each new Convention. All Conventions, and the associated constitutional obligations, are supervised by one procedure, which is based on the Constitution. This procedure includes the supply of reports by Governments, the possibility for employers' and workers' organizations to comment on these reports, examination by a technical Committee of Experts, and review by the Conference itself. There are complaints mechanisms, but they are used comparatively rarely as most questions are dealt with under the standard supervisory mechanism. Alongside this, the Office provides different kinds of advice and assistance to Governments, employers and workers in overcoming difficulties encountered in implementing ratified Conventions.

20. Reporting. Once a Convention has been ratified, the Government is required by article 22 of the ILO Constitution to submit an annual report on its implementation in law and in practice. Under article 23 of the Constitution, the Government is required to send a copy of its reports to the most representative organizations of employers and workers in the country, and they may make any comments they feel necessary, either through the Government or directly to the ILO. 5/ Although the Constitution provides for an annual report, over time the Governing Body has decided to request reports on the "basic human rights" Conventions every two years, and on others at four-year intervals. Reports may, however, be requested at more frequent intervals if there is a need to follow the situation more closely.

21. Reports are due on 15 October each year, following a request for reports dispatched by the Office some months earlier. Although fewer than 10 per cent of the reports due are actually received by that date in most years, the Office receives more than 70 per cent each year in time for them to be examined by the Committee of Experts.

22. Examination by the Committee of Experts. It was originally contemplated that the Conference itself would examine Governments' reports but this became too much for the Conference early in the ILO's history and in 1927 the present mechanism came into being. The initial examination is carried out by the Committee of Experts on the Application of Conventions and Recommendations, a body of independent technical experts in law and social sciences appointed by the Director General and approved by the Governing Body. There are at present 20 members, from all legal and social systems and all regions of the world. The Committee meets once a year in Geneva, and examines more than 2,000 reports each year. In addition to the information received from Governments, the Committee also considers information supplied by employers' and workers' organizations, and that available from other sources including, inter alia, the reports of United Nations supervisory bodies.

23. If the Committee finds it necessary, it may make comments or ask for further information from Governments. This is done in two forms. Direct requests are sent directly to Governments, and are not published in the Committee's annual report. If the Government responds satisfactorily - either providing the requested information or making the necessary adjustments to its law and practice - no further action is taken. Observations are published in the Committee's annual report to the Conference, 6/ and normally deal with questions that are more serious, either by their nature or because they have not been resolved over some time. Observations and direct requests deal both with obligations under ratified Conventions and with related constitutional obligations such as submission to the competent authorities, reporting et al. All the questions raised by the Committee are pursued until they have been resolved.

24. Examination by the Conference. The Committee of Experts' report is forwarded to the International Labour Conference, which each year establishes a tripartite Conference Committee on the Application of Standards. This Committee selects a certain number of the cases noted by the Committee of Experts in its report, and invites the Governments concerned to appear before it to discuss the situation. These discussions may involve either substantive obligations under ratified Conventions - most often the case - or compliance

with procedural obligations such as reporting. The Committee invites Governments to appear in a spirit of dialogue, and the objective of the discussions is to find a solution to the difficulties encountered. Employers' and workers' representatives play a leading role in these discussions, often bringing before the Conference information received from their own members or from non-governmental organizations.

25. The Conference Committee's report includes a detailed description of each discussion, including its conclusions. The Conference Committee is not a judicial or quasi-judicial body, but rather a forum for discussion. Nevertheless, its conclusions are part of the supervisory process that begins with the quasi-judicial examination carried out by the Committee of Experts, and which is again referred to that Committee after each discussion in the Conference.

26. Interpretation of Conventions. The only body competent to give a definitive interpretation of the meaning of a Convention is the International Court of Justice. 7/ Nevertheless, for the purposes of supervision, the Committee of Experts examines the meaning of Conventions and its findings over the years build up a body of practice which may assist Governments in applying the Conventions they have ratified, or in deciding whether to ratify Conventions in the first place.

Complaints procedures

27. Complaints and representations. There are two kinds of formal complaints procedures in the ILO, both available only in cases in which the Government concerned has ratified a given Convention. A representation may be filed under article 24 of the ILO Constitution by any employers' or workers' organization alleging that a Government is not securing the effective observance of a Convention that it has ratified. It is examined by a tripartite committee established by the Governing Body from among its own members, usually on the basis of an exchange of written information with the parties. The Committee arrives at conclusions on the basis of the information before it, and may make recommendations on how the Convention concerned should be applied.

28. A complaint may be filed, under article 26 of the ILO Constitution, by (a) another State which has ratified the same Convention, or (b) any delegate to the International Labour Conference; it may also (c) be initiated by the Governing Body itself. It may give rise to the appointment by the Governing Body of a Commsision of Inquiry, composed of three independent people, who may visit the country, hold hearings and receive evidence. A Commisson of Inquiry may also make conclusions and recommendations for future action.

29. In both kinds of complaints procedures, once the body appointed to consider the case has completed its work, further supervision is returned to the Committee of Experts and the Conference Committee.

30. Special procedures for freedom of association. The ILO has, in agreement with Economic and Social Council established special procedures to consider complaints of violations of basic principles of freedom of association. Under this procedure, complaints may be received by any workers' or employers' organization, and referred to a committee composed of nine Governing Body members (three Government members, three employers and three workers). The Committee on Freedom of Association may make findings, conclusions and recommendations for future action. The special feature of this procedure is that its use does not depend on the country concerned having ratified any ILO Convention. The Committee's decisions are then approved by the Governing Body. Its findings have been complied and summarized in the Digest of Decisions and Principles of the Freedom of Association Committee of the Governing Body. A second body, the Fact-Finding and Conciliation Commission on Freedom of Association, functions in a way similar to the Commissions of Inquiry mentioned above. In this case, however, the State concerned must have agreed to the referral of a complaint to the FFCC for it to examine the complaint.

General surveys

31. Alongside the examination of individual cases of compliance with Conventions or constitutional principles, the Committee of Experts carries out each year a general survey of the implementation of a Convention or Recommendation, or a group of related instruments selected by the Governing Body. This allows it to examine the practice worldwide on the subject covered, without reference to whether the instruments have been ratified. The Committee of Experts can thus examine the degree to which the instruments are being implemented, providing a very useful compendium of law and practice as well as allowing the Conference to examine whether the instruments are fully up to date and are perhaps in need of revision. General surveys form part of the Committee of Experts' annual report, 8/ and are discussed in some detail by the Conference Committee on the Application of Standards.

Assistance to ILO constituents

32. It is an essential feature of ILO supervision that the ultimate goal is to assist countries to meet the obligations they have undertaken. For this reason a variety of assistance measures is provided. The most basic is that Governments and employers' and workers' organizations may ask the ILO for information on the meaning of provisions of ILO Conventions and Recommendations. While the Office has no particular competence for interpreting the instruments adopted by the Conference - this is reserved to the International Court of Justice - its technical advice often proves useful.

33. Since 1980 a system of Regional Advisers on International Labour Standards has been put into place, and by early 1992 they will cover Africa (one each for English-speaking and for French-speaking countries), Asia and the Pacific, the Arabic-speaking countries and Latin America, with less frequent service to the Caribbean. These Regional Advisers provide regular advice, training, information and assistance to member States and to employers' and workers' organizations, and fulfil a liaison role between the ILO and its Members.

34. In cases in which serious difficulties are encountered in meeting obligations under ratified Conventions or related Constitutional obligations, the Government may request direct contacts. Under this system, in place since 1964, the work of the supervisory bodies is suspended for one year while the country concerned tries to work out a solution with the person appointed by the Director General for this purpose. It has had a high degree of success and is used frequently.

35. The ILO also provides a great deal of training in different areas, as an integral part of the supervisory system. Much of it is in how to meet ILO obligations, and this is usually done in national or regional seminars or in a regular training course at ILO headquarters. Information and training may also be provided on matters such as the requirments of specific ILO standards, e.g. on freedom of association, equality of rights and forced labour.

36. Discussion by the supervisory bodies may also lead to a request for technical assistance in a more classic form. The Committee of Experts or the Conference may suggest it, but it is of course always the Government which must request it. This kind of assistance may be with legislative drafting, institution building, or any of the forms of assistance given by the Office.

ILO standards and technical cooperation

37. Since 1987 the ILO has been examining ways of bringing its standards and technical cooperation more closely together. It is evident that the ILO's extensive technical cooperation programme must take full account of the standards adopted by the organization, and that assistance given to member States must always be fully in accordance with the fundamental standards of the organization. The principal use of the regular budget technical assistance provided by the Office is therefore to achieve closer conformity of national practice and international standards, allowing Governments to apply ILO Conventions and Recommendations. The Office has carried out a series of internal training sessions to make ILO staff more aware of the contents of standards. In addition, the ILO and the United Nations have been working together to communicate this idea to the constituents of both organizations in a more systematic and concentrated manner.

Concluding remarks

38. On the basis of the explanations given above, certain concluding remarks may be made concerning the efficacy of the ILO's standard-setting and supervisory procedures. They contain elements which distinguish them from those of other international organizations, and which therefore may be of interest to the World Conference.

Institutional questions

39. Tripartism. The most important of these factors is undoubtedly the ILO's tripartite structure, at both national and international levels. This has two principal effects on the ILO's procedures:

- Making available information and experience not readily available to a purely governmental organization; and

- Providing information and opinions which may differ from that given by Governments.

40. Constitutional provisions on standards. The fact that ILO procedures concerning standards are laid down in the organization's constitution ensures that they remain consistent throughout the adoption and supervision of many instruments.

41. Regularity of procedure. The adoption and supervision of standards are a constant feature of the ILO's Conference and other bodies. This tends to ensure that consistent procedures are followed and that both delegates and officials acquire expertise in the techniques. It also helps to ensure that different instruments on related subjects do not contradict each other and are not interpreted in contradictory ways.

Adoption of standards

42. Setting of Conference agenda. The mechanism for deciding which standards are to be included on the Conference agenda is laid down in the ILO Constitution, and requires an examination by the ILO Governing Body on the basis of technical submissions by the Office; these in turn usually result from the wishes expressed by the organization's constituents in technical meetings and other fora. There is always a choice among several items, and the debate on the proper number and kind of agenda items is a constant feature of these discussions.

43. Consultation procedure. The procedure for consulting the ILO's constituents ensures that all have several opportunities to be head and that all the background information is constantly before the participants in the discussions.

44. Strict timetable. The strict timetable laid down in ILO procedures for adoption of instruments carries both advantages and disadvantages. It concentrates the discussions and ensures that they do not remain on the agenda without resolution for many years. On the other hand, in some particularly difficult cases it may compress the time available for a consensus to develop. The strictness of the timetable is an advantage; the brevity of the time available sometimes is a problem.

45. Revision procedure. The possibility of revising Conventions which are out of date, or which have not been ratified, allows unworkable solutions to be tested against experience and out-of-date concepts to be aligned with developing international law and experience. It allows for total or partial revision and for very limited revision by means of protocols. The associated ratification procedure then allows for "replacement" ratifications, for different obligations for countries at different stages of development and for different approaches to similar problems where this is profitable.

46. Submission to the competent authorities. The requirement that Governments submit newly adopted Conventions and Recommendations to the legislative authorities of the country ensures that at least some consideration will be given to the merits of new instruments by all member States.

Supervision

47. Unity of procedures. The importance of having a unified procedure cannot be exaggerated. The fact that all ratified Conventions, and constitutional requirements related to their implementation, are supervised by one Committee of Experts, Conference Committee and complaints procedure has several implications. Time is saved during the adoption process by not having to discuss supervisory arrangements, and the risk of inconsistent procedures is avoided. There are questions of efficiency, with a smaller staff and less time required than would be the case for several parallel procedures. Information in a Govenment's report on one instrument is available to the supervisory mechanism for all instruments, reducing the time that Governments need for reporting and the time that the Office needs for research. Most important, this ensures a consisten' approach to the implementation of Conventions for each country and the possibility of being able to examine the overall situation in the country more easily. This in turn allows standards and technical cooperation to be associated more effectively.

48. Different levels of supervision. The initial stage of supervision of the implementation of ratified Conventions by a body of independent technical experts allows nearly all questions to be resolved at that stage. It is only after a thorough technical examination and attempt to resolve difficulties that a question comes before the Conference, and the previous technical examination allows an informed discussion to take place there. In turn, this results in the complaints procedures being used by infrequently.

49. Possibility of appeal to the International Court of Justice. In case of a dispute over the meaning of a Convention, the question can be referred to the Interntional Court of Justice. Although almost never used, this remains a check on the consistency of the ILO's supervisory mechanisms with international law.

50. Assistance provided to constituents. The different kinds of assistance available to Governments and to the ILO's non-governmental constituents allows the resolution of many difficulties and the achievement of the goals laid down in ratified Conventions. In addition, the fact that most such assistance is not necessarily tied to allegations of abuses allows Governments to have recourse to it more often and more easily.

51. Links between technical cooperation and standards. Combining the ILO's two principal working methods to achieve the goals laid down by the Conference is an important factor in achieving results. While this is not always easy - there is a certain tension between different parts of the secretariat, and not all the ILO's constituents yet accept fully the renewed efforts in this direction - progress is beginning to be achieved.

Notes

1/ See the list at appendix I.

2/ ILO Constitution, article 3, paragraph 1.

3/ This subject is regulated by articles 14 to 19 of the ILO Constitution and articles 34 to 41 of the Standing Orders of the International Labour Conference.

4/ Article 19 of the ILO Constitution.

5/ If the country has ratified the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144), the Government is required to consult the employers' and workers' organizations at least once a year on its reports under article 22 and on related matters.

6/ Report III (4A) to each regular Session of the International Labour Conference.

7/ Article 37 of the ILO Constitution.

8/ Report III, part 4.

Appendix I

CLASSIFIED GUIDE TO INTERNATIONAL LABOUR STANDARDS

(Including instruments adopted up to the 77th Session of the International Labour Conference, 1990)

I. BASIC HUMAN RIGHTS

A. Freedom of association

Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87).
Right to Organise and Collective Bargaining Convention, 1949 (No. 98)
Workers' Representatives Convention (No. 135) and Recommendation (No. 143), 1971.
Rural Workers' Organisations Convention (No. 141) and Recommendation (No. 149), 1975.
Labour Relations (Public Service) Convention (No. 151) and Recommendation (No. 159), 1978.
Right of Association (Agriculture) Convention, 1921 (No. 11).
Right of Association (Non-Metropolitan Territories) Convention, 1947 (No. 84).

B. Forced labour

Forced Labour Convention, 1930 (No. 29)
Forced Labour (Indirect Compulsion) Recommendation, 1930 (No. 35)
Abolition of Forced Labour Convention, 1956 (No. 105)

C. Equality of opportunity and treatment

Equal Remuneration Convention (No. 100) and Recommendation (No. 90), 1951.
Discrimination (Employment and Occupation) Convention (No. 111) and Recommendation (No. 111), 1958.
Workers with Family Responsibilities Convention (No. 156) and Recommendation (No. 165), 1981.

II. EMPLOYMENT

A. Employment policy

Unemployment Convention, 1919 (No. 2).
Employment Policy Convention (No. 122) and Recommendation (No. 122), 1964
Special Youth Schemes Recommendation, 1970 (No. 136).
Employment Policy (Supplementary Provisions) Recommendation, 1984 (No. 169).

See also VII.B.4 below.

B. Employment services and fee-charging employment agencies

Employment Service Convention (No. 88) and Recommendation (No. 83), 1948.
Fee-Charging Employment Agencies Convention, 1933 (No. 34).
Fee-Charging Employment Agencies Convention (Revised), 1949 (No. 96)

C. Vocational guidance and training

Human Resources Development Convention (No. 142) and Recommendation (No. 150), 1975.

D. Rehabilitation and employment of disabled persons

Vocational Rehabilitation (Disabled) Recommendation, 1955 (No. 99).
Vocational Rehabilitation and Employment (Disabled Persons) Convention (No. 159) and Recommendation (No. 168), 1983.

E. Employment security

Termination of Employment Convention (No. 158) and Recommendation (No. 166), 1982.

III. SOCIAL POLICY

Social Policy (Non-Metropolitan Territories) Convention, 1947 (No. 82).
Social Policy (Basic Aims and Standards) Convention, 1962 (No. 117).
Co-operatives (Developing Countries) Recommendation, 1966 (No. 127).

IV. LABOUR ADMINISTRATION

A. General

Labour Administration Convention (No. 150) and Recommendation (No. 158), 1978.

B. Labour inspection

Labour Inspection Convention (No. 81) and Recommendation (No. 81), 1947.
Labour Inspectorates (Non-Metropolitan Territories) Convention, 1947 (No. 85).
Labour Inspection (Mining and Transport) Recommendation, 1947 (No. 82).
Labour Inspection (Agriculture) Convention (No. 129) and Recommendation (No. 133), 1969.

C. Employment service and fee-charging employment agencies

See II.B above.

D. Statistics

Labour Statistics Convention (No. 160) and Recommendation, (No. 170), 1985.

E. Tripartite consultation

Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144).
Tripartite Consultation (Activities of the International Labour Organisation) Recommendation, 1976 (No. 152).

V. INDUSTRIAL RELATIONS

See I.A above.

Collective Agreements Recommendation, 1951 (No. 91).
Collective Bargaining Convention (No. 154) and Recommendation, (No. 163), 1981.
Voluntary Conciliation and Arbitration Recommendation, 1951 (No. 92).
Cooperation at the Level of the Undertaking Recommendation, 1952 (No. 94)
Consultation (Industrial and National Levels) Recommendation, 1960 (No. 113).
Communications within the Undertaking Recommendation, 1967 (No. 129).
Examination of Grievances Recommendation, 1967 (No. 130).

VI. CONDITIONS OF WORK

A. Wages

1. Minimum wage-fixing machinery

Minimum Wage-Fixing Machinery Convention, 1928 (No. 26).
Minimum Wage-Fixing Machinery (Agriculture) Convention, 1951 (No. 99).
Minimum Wage-Fixing Convention (No. 131) and Recommendation (No. 135), 1970.

2. Protection of wages

Protection of Wages Convention (No. 95) and Recommendation (No. 85), 1949.

3. Labour clauses in public contracts

Labour Clauses (Public Contracts) Convention (No. 94) and Recommendation (No. 84), 1949.

B. General conditions of employment

1. Hours of work

Hours of Work (Industry) Convention, 1919 (No. 1).

Hours of Work (Commerce and Offices) Convention, 1930 (No. 30).
Forty-Hour Week Convention, 1935 (No. 47)
Reduction of Hours of Work Recommendation, 1962 (No. 116).
Sheet-Glass Works Convention, 1934 (No. 43).
Reduction of Hours of Work (Glass-Bottle Works) Convention, 1935 (No. 49).
Hours of Work and Rest Periods (Road Transport) Convention, 1939 (No. 67).
Hours of Work and Rest Periods (Road Transport) Convention, (No. 153) and Recommendation (No. 161), 1979.

2. Night work

Night Work (Bakeries) Convention, 1925 (No. 20).
Night Work Convention (No. 171) and Recommendation (No. 178), 1990.

3. Weekly rest

Weekly Rest (Industry) Convention, 1921 (No. 14).
Weekly Rest (Commerce and Offices) Convention, (No. 106) and Recommendation (No. 103), 1957.

4. Paid leave

Holidays with Pay Convention, 1936 (No. 2).
Holidays with Pay (Agriculture) Convention, 1952 (No. 101).
Holidays with Pay Convention (Revised), 1970 (No. 132).
Paid Educational Leave Convention (No. 140), and Recommendation (No. 148), 1974.

C. Occupational safety and health

1. General provisions

Prevention of Industrial Accident Recommendation, 1929 (No. 31).
Protection of Workers' Health Recommendation, 1953 (No. 97).
Occupational Safety and Health Convention (No. 155) and Recommendation (No. 164), 1981.
Occupational Health Services Convention (No. 161) and Recommendation (No. 171), 1985.

2. Protection against specific risks

Toxic substance and agents

Anthrax Prevention Recommendation, 1919 (No. 3).
Lead Poisoning (Women and Children) Recommendation, 1919 (No. 4).
White Lead (Painting) Convention, 1921 (No. 13).
Radiation Protection Convention (No. 115) and Recommendation (No. 114), 1960.
Benzene Convention (No. 136) and Recommendation (No. 144), 1971.
Occupational Cancer Convention (No. 139) and Recommendation (No. 147), 1974.

Asbestos Convention (No. 162) and Recommendation (No. 172), 1986.
Chemicals Convention (No. 170) and Recommendation (No. 177) 1990.

Machinery

Guarding of Machinery Convention (No. 119) and Recommendation (No. 118), 1963.

Maximum weight

Maximum Weight Convention (No. 127) and Recommendation (No. 128), 1967.

Air pollution, noise and vibration

Working Environment (Air Pollution, Noise and Vibration) Convention (No. 148) and Recommendation (No. 156), 1977.

3. Protection in given branches of activity

Building industry

Safety Provisions (Building) Convention (No. 62) and Recommendation (No. 53), 1937.

Commerce and offices

Hygiene (Commerce and Offices) Convention (No. 120) and Recommendation (No. 120), 1964.

Construction

Safety and Health in Construction Convention (No. 167) and Recommendation (No. 175), 1988.

Dock work

Marketing of Weight (Packages Transported by Vessels) Convention, 1929 (No. 27).
Protection against Accidents (Dockers) Convention, 1929 (No. 28).
Protection against Accidents (Dockers) Convention (Revised), 1932 (No. 32).
Occupational Safety and Health (Dock Work) Convention (No. 152) and Recommendation (No. 160), 1979.

D. Social services, housing and leisure

Welfare Facilities Recommendation, 1956 (No. 102).
Workers' Housing Recommendation, 1961 (No. 115).
Utilisation of Spare Time Recommendation, 1924 (No. 21).

VII. SOCIAL SECURITY

A. Comprehensive standards
(Covering the branches of social security enumerated in B. below)

Social Security (Minimum Standards) Convention, 1952 (No. 102).
Income Security Recommendation, 1944 (No. 67).
Social Security (Armed Forces) Recommendation, 1944 (No. 68).
Equality of Treatment (Social Security) Convention, 1962 (No. 118).
Maintenance of Social Security Rights Convention, 1982 (No. 157).
Maintenance of Social Security Rights Recommendation, 1983 (No. 167).

B. Protection in the various social security branches

1. Medical care and sickness benefit

Sickness Insurance (Industry) Convention, 1927 (No. 24)
Sickness Insurance (Agriculture) Convention, 1927 (No. 25)
Medical Care Recommendation, 1944 (No. 69)
Medical Care and Sickness Benefits Convention (No. 130) and Recommendation (No. 134), 1969.

2. Old-age, invalidity and survivors' benefits

Old-Age Insurance (Industry, etc.) Convention, 1933 (No. 35)
Old-Age Insurance (Agriculture) Convention, 1933 (No. 36)
Invalidity Insurance (Industry, etc.) Convention, 1933 (No. 37)
Invalidity Insurance (Agriculture) Convention, 1933 (No. 38)
Survivors' Insurance (Industry, etc.) Convention, 1933 (No. 39)
Survivors' Insurance (Agriculture) Convention, 1933 (No. 40)
Maintenance of Migrants' Pension Rights Convention, 1935 (No. 48)
Invalidity, Old-Age and Survivors' Benefits Convention (No. 128) and Recommendation (No. 131), 1967

3. Employment injury benefit

Workmen's Compensation (Agriculture) Convention, 1921 (No. 12)
Workmen's Compensation (Accidents) Convention, 1925 (No. 17)
Workmen's Compensation (Occupational Diseases) Convention, 1925 (No. 18)
Equality of Treatment (Accident Compensation) Convention, 1925 (No. 19)
Workmen's Compensation (Occupational Diseases) Convention (Revised), 1934 (No. 42)
Employment Injury Benefits Convention, 1964 (No. 121) [Schedule I amended 1980]
Employment Injury Benefits Recommendation, 1964 (No. 121)

4. Unemployment benefits

Unemployment Provision Convention (No. 44) and Recommendation (No. 44), 1934
Employment Promotion and Protection against Unemployment Convention (No. 168) and Recommendation (No. 176), 1988

5. Maternity benefit

Maternity Protection Convention, 1919 (No. 3)
Maternity Protection Convention (Revised) (No. 103) and Recommendation (No. 95), 1952

6. Family benefit

See under A above.

VIII. EMPLOYMENT OF WOMEN

See also I.C above: Equality of Opportunity and Treatment

A. Maternity protection

Maternity Protection Convention, 1919 (No. 3)
Maternity Protection Convention (Revised) (No. 103) and Recommendation (No. 95), 1952

B. Night work

Night Work (Women) Convention, 1919 (No. 4)
Night Work (Women) Convention (Revised), 1934 (No. 41)
Night Work (Women) Convention (Revised), 1948 (No. 89) [and Protocol, 1990]

C. Underground work

Underground Work (Women) Convention, 1935 (No. 45)

IX. EMPLOYMENT OF CHILDREN AND YOUNG PERSONS

A. Minimum age

Minimum Age (Industry) Convention, 1919 (No. 5)
Minimum Age (Industry) Convention (Revised), 1937 (No. 59)
Minimum Age (Non-Industrial Employment) Convention, 1932 (No. 33)
Minimum Age (Non-Industrial Employment) Convention (Revised), 1937 (No. 60)
Minimum Age (Agriculture) Convention, 1921 (No. 10)
Minimum Age (Underground Work) Convention (No. 123) and Recommendation (No. 124), 1965
Minimum Age Convention (No. 138) and Recommendation (No. 146), 1973

B. Night work

Night Work of Young Persons (Industry) Convention, 1919 (No. 6)
Night Work of Young Persons (Industry) Convention (Revised), 1948 (No. 90)
Night Work of Young Persons (Non-Industrial Occupations) Convention (No. 79) and Recommendation (No. 80), 1946

C. Medical examination

Medical Examination of Young Persons (Industry) Convention, 1946 (No. 77)
Medical Examination of Young Persons (Non-Industrial Occupations) Convention, 1946 (No. 78)
Medical Examination of Young Persons Recommendation, 1946 (No. 79)
Medical Examination of Young Persons (Underground Work) Convention, 1965 (No. 124)

D. Underground work

Employment of Young Persons (Underground Work) Recommendation, 1965 (No. 125)

X. OLDER WORKERS

Older Workers Recommendation, 1980 (No. 162)

XI. MIGRANT WORKERS

Inspection of Emigrants Convention, 1926 (No. 21)
Migration for Employment Convention (Revised) (No. 97) and Recommendation (Revised) (No. 86), 1949
Protection of Migrant Workers (Underdeveloped Countries) Recommendation, 1955 (No. 100)
Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143)
Migrant Workers Recommendation, 1975 (No. 151)

See also VII.A and B.2 above.

XII. INDIGENOUS AND TRIBAL PEOPLES, INDIGENOUS WORKERS IN NON-METROPOLITAN TERRITORIES

1. Indigenous workers

Recruiting of Indigenous Workers Convention, 1936 (No. 50)
Penal Sanctions (Indigenous Workers) Convention, 1939 (No. 65)
Abolition of Penal Sanctions (Indigenous Workers) Convention, 1955 (No. 104)
Contracts of Employment (Indigenous Workers) Convention, 1939 (No. 64)
Contracts of Employment (Indigenous Workers) Convention, 1947 (No. 86)
Elimination of Recruiting Recommendation, 1936 (No. 46)

2. Workers in non-metropolitan territories

Social Policy in Dependent Territories Recommendation, 1944 (No. 70)
Social Policy in Dependent Territories (Supplementary Provisions) Recommendation, 1945 (No. 74)
Social Policy (Non-Metropolitan Territories) Convention, 1947 (No. 82)
Right of Association (Non-Metropolitan Territories) Convention, 1947 (No. 84)
Labour Inspectorates (Non-Metropolitan Territories) Convention, 1947 (No. 85)
Labour Standards (Non-Metropolitan Territories) Convention, 1947 (No. 83)

3. Indigenous and tribal peoples

Indigenous and Tribal Populations Convention (No. 107) and Recommendation (No. 104), 1957
Indigenous and Tribal Peoples Convention (No. 169), 1989

XIII. OTHER SPECIAL CATEGORIES

A. Seafarers

1. General

National Seamen's Codes Recommendation, 1920 (No. 9)
Seafarers' Identity Documents Convention, 1958 (No. 108)
Seafarers' Engagement (Foreign Vessels) Recommendation, 1958 (No. 107)
Employment of Seafarers (Technical Developments) Recommendation, 1970 (No. 139)
Continuity of Employment (Seafarers) Convention (No. 145) and Recommendation (No. 154), 1976
Merchant Shipping (Minimum Standards) Convention, 1976 (No. 147)
Merchant Shipping (Improvement of Standards) Recommendation, 1976 (No. 155)

2. Training and entry into employment

Placing of Seamen Convention, 1920 (No. 9)
Seamen's Articles of Agreement Convention, 1926 (No. 22)
Vocational Training (Seafarers) Recommendation, 1970 (No. 137)

3. Conditions for admission to employment

Minimum Age (Sea) Convention, 1920 (No. 7)
Minimum Age (Trimmers and Stokers) Convention, 1921 (No. 15)
Minimum Age (Sea) Convention (Revised), 1936 (No. 58)
Minimum Age Convention (No. 138) and Recommendation (No. 146), 1973

Medical Examination of Young Persons (Sea) Convention, 1921 (No. 16)
Medical Examination (Seafarers) Convention, 1946 (No. 73)

4. Certificate of competency

Officers' Competency Certificates Convention, 1936 (No. 53)
Certification of Ships' Cooks Convention, 1946 (No. 69)
Certification of Able Seamen Convention, 1946 (No. 74)

5. General conditions of employment

Wages, Hours of Work and Manning (Sea) Convention (Revised) (No. 109) and Recommendation (No. 109), 1958
Repatriation of Seamen Convention, 1926 (No. 23)
Repatriation (Ship Masters and Apprentices) Recommendation, 1926 (No. 27)
Paid Vacations (Seafarers) Convention (Revised), 1949 (No. 91)
Seafarers' Annual Leave with Pay Convention, 1976 (No. 146)
Protection of Young Seafarers Recommendation, 1976 (No. 153)
Repatriation of Seafarers Convention (Revised) (No. 166) and Recommendation (No. 174), 1987

6. Safety, health and welfare

Food and Catering (Ships' Crews) Convention, 1946 (No. 68)
Bedding, Mess Utensils and Miscellaneous Provisions (Ships' Crews) Recommendation, 1946 (No. 78)
Accommodation of Crews Convention (Revised), 1949 (No. 92)
Accommodation of Crews (Supplementary Provisions) Convention, 1970 (No. 133)
Crew Accommodation (Air Conditioning) Recommendation, 1970 (No. 140)
Crew Accommodation (Noise Control) Recommendation, 1970 (No. 141)
Ships' Medicine Chests Recommendation, 1958 (No. 105)
Medical Advice at Sea Recommendation, 1958 (No. 106)
Prevention of Accidents (Seafarers) Convention (No. 134) and Recommendation (No. 142), 1970
Seamen's Welfare in Ports Recommendation, 1936 (No. 48)
Seafarers' Welfare Recommendation, 1970 (No. 138)
Seafarers' Welfare Convention (No. 163) and Recommendation (No. 173), 1987
Health Protection and Medical Care (Seafarers) Convention (No. 164), 1987

7. Labour inspection

Labour Inspection (Seamen) Recommendation, 1926 (No. 28).

8. Social security

Unemployment Indemnity (Shipwreck) Convention, 1920 (No. 8).
Unemployment Insurance (Seamen) Recommendation, 1920 (No. 10).
Shipowners' Liability (Sick and Injured Seamen) Convention, 1936 (No. 55).
Sickness Insurance (Sea) Convention, 1936 (No. 56).
Social Security (Seafarers) Convention, 1946 (No. 70).
Seafarers' Social Security (Agreements) Recommendation, 1946 (No. 75).
Seafarers' (Medical Care for Dependants) Recommendation, 1946 (No. 76).
Seafarers' Pensions Convention, 1946 (No. 71).
Social Security (Seafarers) Convention (Revised) (No. 165), 1987.

B. Fishermen

Hours of Work (Fishing) Recommendation, 1920 (No. 7).
Minimum Age (Fishermen) Convention, 1959 (No. 112).
Medical Examination (Fishermen) Convention, 1959 (No. 113).
Fishermen's Articles of Agreement Convention, 1959 (No. 114).
Fishermen's Competency Certificates Convention, 1966 (No. 125).
Accommodation of Crews (Fishermen) Convention, 1966 (No. 126).
Vocational Training (Fishermen) Recommendation, 1966 (No. 126).

C. Inland navigation

Hours of Work (Inland Navigation) Recommendation, 1920 (No. 8).

D. Dockworkers

Dock Work Convention (No. 137) and Recommendation (No. 145), 1973.

See also VI.C.3 above.

E. Plantations

Plantations Convention, 1958 (No. 110) [and Protocol, 1982].
Plantations Recommendation, 1958 (No. 110).

F. Tenants and share-croppers

Tenants and Share-Croppers Recommendation, 1968 (No. 132).

G. Nursing personnel

Nursing Personnel Convention (No. 149) and Recommendation (No. 157), 1977.

Appendix II

PRINCIPAL HUMAN RIGHTS CONCERNS OF THE ILO AND RELATIONSHIP WITH OTHER BODIES AND PROCEDURES

(In the following chart, categories of ILO instruments are those listed in the "Classified Guide to International Labour Standards", Appendix I to this paper. They are listed as follows: CG, part I.A.)

Subject	ILO basis	Other procedures
Freedom of association	Constitution; CG, part I.A. - see also part V.	ICESCR, art. 8 ICCPR, art. 22
Forced Labour	CG, part I.B - see also part XII.	ICESCR, art. 6 ICCPR, art. 8 UN Working Group on Slavery
Discrimination in employment	Constitution; CG, part I.C. - see also parts III, VIII and XII.3	ICESCR, art. 3, 7, ICCPR, art. 3, 18, 19, 24, 26 CERD, CEDAW
Child labour	Constitution; CG, part IX - see also provisions in other instruments, e.g. under part XIII.A.3.	ICESCR, art. 10 ICCPR, art. 24 UN Convention on the Rights of the Child
Migrant workers	CG, part XI.	UN Convention on Migrant Workers
Conditions of work		
- right to work	CG, part II.A.	ICESCR, art. 6
- wages	CG, part VI.A.	ICESCR, art. 7 (a)
- safe and healthy working conditions	CG, part VI.C.	ICESCR, art. 7 (b)
- rest, leisure, working hours	CG, part	ICESCR, art. 7 (d)
Indigenous and tribal peoples	CG, part XII.3	UN Working Group on Indigenous Populations

Note: ICESCR = International Covenant on Economic, Social and Cultural Rights

ICCPR = International Covenant on Civil and Political Rights

CERD = Convention on the Elimination of All Forms of Racial Discrimination

CEDAW = Convention on the Elimination of Discrimination Against Women

This list does not include the work of other United Nations-system organizations which are also working on the same subjects.

United Nations Educational, Scientific and Cultural Organization

Background

1. In April 1990, following the adoption by the General Assembly of its resolution 44/156 of 15 December 1990 entitled "World conference on human rights", the Centre for Human Rights sought the views of UNESCO on the implementation of paragraphs 1 and 2 of the aforementioned resolution.

2. In July 1990, the Director-General expressed the opinion that the organization of such a conference would indeed be timely and desirable. Having regard to the scope of UNESCO's commitment to the protection and promotion of human rights, he indicated that the contribution of UNESCO to the conference could cover the following subjects:

(a) The procedure adopted by the Executive Board for the examination of cases and questions submitted to UNESCO concerning violations of human rights in the spheres of its competence;

(b) Human rights teaching, information and documentation;

(c) Protection of human rights of specific social or professional categories (women, scientists, artists, etc.);

(d) Apartheid.

3. Following the adoption by the General Assembly of resolution 45/155 of 18 December 1990 on the World Conference on Human Rights, the Director-General of UNESCO expressed the readiness of the organization to cooperate in the preparation of the World Conference on Human Rights.

Content of UNESCO's contribution

4. With these considerations in mind, the Director-General has included in the Draft Programme and Budget for 1992-1993, under Major Programme Area VII (Peace, Human Rights and the Elimination of All Forms of Discrimination), the organization of an international conference on education for human rights and democracy to be convened jointly with the United Nations Centre for Human Rights and in cooperation with intergovernmental and non-governmental organizations, including youth organizations, in 1993. This international conference, subject to the approval of the General Conference of UNESCO in October-November 1991, could be held in February-March 1991 and its results could provide a useful input, in an appropriate form yet to be determined, to the World Conference on Human Rights.

5. Similarly, UNESCO could present a review of the implementation by member States of the 1974 Recommendation Concerning Education for International Understanding, Cooperation and Peace and Education Relating to Human Rights and Fundamental Freedoms and the decision of the General Conference in October-November 1991 on the opportunity to replace the 1974 Recommendation by a convention.

6. In addition, UNESCO is ready to contribute to an exhibit during the World Conference of its publications on this subject, as well as of posters and other audio-visual material produced.

Conclusions

7. Therefore, it could be considered opportune for the World Conference to examine a point concerning education, research, information and documentation on human rights.

8. Finally, it could be worthwhile to explore the advisability of launching, as a result of the World Conference on Human Rights, a World Decade for Human Rights Teaching.